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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,778	12/31/2003	S. Michael Perlmutter	P5202	1019

24739 7590 01/03/2007
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EXAMINER

NGUYEN, KHAI MINH

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/749,778	Applicant(s) PERLMUTTER, S. MICHAEL	
	Examiner Khai M. Nguyen	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-16 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-16, and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-9, 11-16, and 18 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9, 11-16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soliman (U.S.Pub-20020065089) in view of Murray Allan Martin (WO 02/23935 A2).

Regarding claim 1, Soliman teaches in a mobile telephone system (fig.1, wireless communication device 110, base station 106), a method for call treatment comprising:

(b) determining the time-of-day (TOD) at the telephone's location (fig.3c, WD 110, BS 106, paragraph 0058-0064, as indicated in block B355, process 350 determines the location of WD 110 as well as the exact time of day); and

(c) informing the caller of the TOD (fig.3c, WD 110, BS 106, paragraph 0058-0064, as indicated in block B355, process 350 determines the location of WD 110 as well as the exact time of day),

(a) upon receiving a call placed by a caller for a user , determining a geographic location for the user's telephone in the system ; (d) providing the caller an option of going directly to voice mail without sending a ring event, or sending a ring event for the call based on the TOD determined in step (b)

Soliman fails to specifically disclose (a) upon receiving a call placed by a caller for a user, determining a geographic location for the user's telephone in the system ; (d) providing the caller an option of going directly to voice mail without sending a ring event, or sending a ring event for the call based on the TOD determined in step (b). However, Murray teaches (a) upon receiving a call placed by a caller for a user (abstract), determining a geographic location for the user's telephone in the system (fig.1, page 4, lines 7-29); (d) providing the caller an option of going directly to voice mail without sending a ring event, or sending a ring event for the call based on the TOD determined in step (b) (fig.1, page 6, lines 1-26). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Murray to Soliman to provide a method for setting up a call in a communication system.

Regarding claim 2, Soliman and Murray further teach the method of claim 1, further comprising providing the caller an option of going directly to voice mail without sending a ring event, or sending a ring event for the call (see Murray, fig.1, page 6, lines 1-26), or sending a ring event for the call (see Murray, fig.1, page 6, lines 1-26).

Regarding claim 3, Soliman and Murray further teach the method of claim 2 wherein the caller is enabled by selection to control the ring event (see Murray, fig.1, page 6, lines 1-26).

Regarding claim 4, Soliman and Murray further teach the method of claim 3 wherein the ring events selected include at least one of a light flash, a buzz or a ring (see Murray, fig.1, page 6, lines 1-26).

Regarding claim 5, Soliman teaches in a mobile telephone system (fig.1, wireless communication device 110, base station 106), a method for call treatment comprising:

(a) determining a geographic location for a subscriber (fig.3c, determine WD110 location and time of day (block B355)) to the system for a call placed by a caller (fig.3c, WD 110, BS 106, paragraph 0058-0064);

(b) determining the TOD at the subscriber's location (fig.3c, WD 110, BS 106, paragraph 0058-0064, as indicated in block B355, process 350 determines the location of WD 110 as well as the exact time of day); and

Soliman fails to specifically disclose (c) checking for and applying treatment options set by the subscriber if the TOD in step (b) falls within a preset range. However, Murray teaches (c) checking for and applying treatment options set by the subscriber if the TOD in step (b) falls within a preset range (roaming) (fig.1, page 4, lines 7-29).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Murray to Soliman to provide a method for setting up a call in a communication system.

Regarding claim 6, Soliman and Murray further teach the method of claim 5, further comprising setting treatment options by input from the subscriber (see Murray, fig.1, page 6, lines 1-26).

Regarding claim 7, Soliman and Murray further teach the method of claim 6 wherein the treatment options include a password provided by the subscriber (see Murray, fig.1, page 6, lines 1 to page 7, line 29).

Regarding claim 8, Soliman and Murray further teach the method of claim 7 wherein the treatment options include an emergency procedure wherein the caller is prompted for the password to place a call within an otherwise restricted time of day (see Murray, fig.1, page 6, lines 1 to page 7, line 29).

Regarding claim 9, Soliman teaches a call roaming system comprising a facility for determining the time of day (TOD) in the called party's location (), and informing the caller of the destination TOD ();

Soliman fails to specifically disclose determining a geographic location of a called party for a call placed by a caller; wherein the system determines a TOD within a preset range, the system further provides the caller an option of going directly to voice mail without sending a ring event, or sending a ring event for the call. However, Murray teaches determining a geographic location of a called party for a call placed by a caller (abstract); wherein the system determines a TOD within a preset range (fig.1, page 4, lines 7-29), the system further provides the caller an option of going directly to voice mail without sending a ring event, or sending a ring event for the call (fig.1, page 6, lines

1-26). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Murray to Soliman to provide a method for setting up a call in a communication system.

Regarding claim 11, Soliman and Murray further teach the system of claim 10 wherein the system enables the caller to control the ring event by selection (see Murray, fig.1, page 6, lines 1 to page 7, line 29).

Regarding claim 12, Soliman and Murray further teach the system of claim 11 wherein the ring events selected include at least one of a light flash, a buzz or a ring (see Murray, fig.1, page 6, lines 1 to page 7, line 29).

Regarding claim 13, Soliman teaches a call treatment system comprising a facility for determining a geographic location of a called party for a call placed by a caller (fig.3c, determine WD110 location and time of day (block B355)), determining the time of day (TOD) in the called party's location (fig.3c, WD 110, BS 106, paragraph 0058-0064, as indicated in block B355, process 350 determines the location of WD 110 as well as the exact time of day), and

Soliman fails to specifically disclose checking for and applying treatment options set by the called party if the TOD determined falls within a preset range. However, Murray teaches checking for and applying treatment options set by the called party if the TOD determined falls within a preset range (roaming) (fig.1, page 4, lines 7-29). Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to apply the teaching of Murray to Soliman to provide a method for setting up a call in a communication system.

Regarding claim 14, Soliman and Murray further teach the system of claim 13, further comprising setting treatment options by input from the subscriber (see Murray, fig.1, page 6, lines 1 to page 7, line 29).

Regarding claim 15, Soliman and Murray further teach the system of claim 14 wherein the treatment options include a password provided by the called party (see Murray, fig.1, page 6, lines 1 to page 7, line 29).

Regarding claim 16, Soliman and Murray further teach the system of claim 15 wherein the treatment options include an emergency procedure wherein the caller is prompted for the password to place a call within an otherwise restricted time of day (see Murray, fig.1, page 6, lines 1 to page 7, line 29).

Regarding claim 18, Soliman teaches a machine-readable medium having stored thereon a set of instructions that cause a machine to perform a method comprising:

(a) determining a geographic location of a subscriber to the system for a call placed by a caller (fig.3c, WD 110, BS 106, paragraph 0058-0064, as indicated in block B355, process 350 determines the location of WD 110 as well as the exact time of day);

(b) determining the TOD at the subscriber's location (fig.3c, WD 110, BS 106, paragraph 0058-0064, as indicated in block B355, process 350 determines the location of WD 110 as well as the exact time of day); and

Soliman fails to specifically disclose (c) checking for and applying treatment options set by the subscriber if the TOD in step (b) falls within a preset range. However, Murray teaches (c) checking for and applying treatment options set by the subscriber if the TOD in step (b) falls within a preset range (roaming) (fig.1, page 4, lines 7-29). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Murray to Soliman to provide a method for setting up a call in a communication system.


Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M. Nguyen whose telephone number is 571.272.7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph feild can be reached on 571.272.4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Khai Nguyen
Au: 2617

11/12/2006


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER